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September 5, 2014

*Via ECF filing*

Honorable Ronald L. Ellis  
Daniel Patrick Moynihan United States Courthouse  
500 Pearl Street  
New York, NY 10007-1312

Re: *Rita Mae Perkins, Individually and as Personal Representative of the Estate of Wayne Philip Perkins, deceased vs. Air & Liquid Systems Corporation, et al.,*  
United States District Court for the Southern District of New York  
Case No. 1:13-cv-08561 (CM) (RLE)

**Letter-Request for Adjournment of Discovery Briefing**

Dear Magistrate Judge Ellis:

Thompson Hine represents defendant Maersk Line, Limited ("Maersk") in the above matter. During a telephonic proceeding held before your Honor on August 12, 2014, involving only plaintiff and Maersk, your Honor, among other things, directed the parties to simultaneously submit letter-briefs on September 8, 2014 regarding the discoverability of plaintiff's bankruptcy trust filings, including Proofs of Claim forms and associated claim submissions.

Plaintiff's counsel advised through a phone call and email yesterday afternoon, September 4, 2014, that they will now agree to voluntarily provide these requested materials. See, Email from John Herrick, attached. Accordingly, MLL respectfully requests that this discovery motion, relating specifically and only to defendant's request for plaintiff's bankruptcy trust filings, including Proofs of Claim forms and associated claim submissions, be removed from the court's calendar. MLL respectfully reserves the right to re-calendar this motion if plaintiff does not follow through on her commitments in a timely manner.

Respectfully,

A handwritten signature in dark ink, appearing to read "Ruthe Nepf".

Ruthe Nepf  
*Counsel for Defendant Maersk Line, Limited*

Attachment

cc: All Counsel of Record (via ECF filing)

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**From:** Herrick, John <jherrick@motleyrice.com>  
**Sent:** Thursday, September 04, 2014 3:07 PM  
**To:** Nepf, Ruthe  
**Cc:** Straus, Alex; Lambert, Dee  
**Subject:** Perkins

Looks like we had a miscommunication on my end. I thought supplemental 'rogs dealt with Bankruptcy claim issues, but they did not. To reiterate, we will provide copies of the claim forms we have and authorizations for you to get the ones we don't I will also give you a list of the trusts involved. With that, I'll hold off on supplementing again until we resolve your other issues.

**John E. Herrick** | Attorney at Law | Motley Rice LLC  
28 Bridgeside Blvd. | Mt. Pleasant, SC 29464 | [jherrick@motleyrice.com](mailto:jherrick@motleyrice.com)  
o. 843.216.9100 | c. 843.834.4733 | f. 843.216.9450

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